

REMARKS

Claims 2-18, 20-44, 47-49 and 51-52 are pending in the present application. Claims 2, 3, 4, 10, 15, 16, 20, 22, 37, 51 and 52 have been amended. Support for the amendments may be found at least in paragraphs [0014], [0019], [0023], [0078], [0079], [0092] – [0094], the figures and the originally filed claims. No new matter was added. Claims 17-18, 29-36 and 47-49 have been withdrawn in view of an earlier restriction requirement.

The specification has been amended to coordinate language used in the originally filed claims with language used in the specification, as suggested by the Examiner. No new matter was added.

A replacement sheet is submitted herewith with a replacement FIG. 16 to replace the FIG. 16 as submitted with the Amendment under 37 C.F.R. § 1.116 filed February 16, 2007. Support for the changes to FIG. 16 may be found at least in paragraphs [0099] and [0101] and in the originally filed claims. No new matter was added.

Reexamination of the application and reconsideration of the rejections and objections are respectfully requested in view of the above amendments and the following remarks, which follow the order set forth in the Office Action.

INTERVIEW SUMMARY

Applicants appreciate the helpful interview conducted with Applicants' representative on May 16, 2007. The cited art, objections to the drawings and specification, and the rejections of the claims were discussed during the interview. The above amendments and following comments are presented to respond to the objections and rejections according to the discussion with the Examiner during the interview such that prosecution on the application may be expedited.

DRAWINGS

1. New Matter Objections

The drawings of Figure 16 as filed February 16, 2007, were found not acceptable as containing new matter. The Office Action first found that the camming surfaces shown in the new FIG. 16 constituted new matter. While not acquiescing in this finding, Applicants present herein a replacement FIG. 16 with an amended illustration of the camming surface. As specified in 37 C.F.R. § 1.83(a), when conventional features disclosed in the description and claims and their detailed illustration are not essential for a proper understanding of the

invention, the features should be illustrated in the drawing in the form of a graphical drawing symbol or a labeled representation such as a labeled rectangular box. Applicants respectfully request acceptance of replacement FIG. 16 as meeting the requirements of 37 C.F.R. § 1.83. In view of the interview, Applicants believe the camming surface(s) as now shown do not constitute new matter. *See, paragraph [0079] and originally filed claims.*

The Office Action also indicated that the plurality of containers 446 in new FIG. 16 constituted new matter. Applicants respectfully traverse. Original claim 37 recited a plurality of containers of adhesive material arranged to be placed at least partially in the cavity of the at least one applicator/dispenser. Paragraph [0099], as amended, refers to a kit which may be provided that includes at least one applicator/dispenser 400 and a plurality of containers of adhesive material, such as frangible ampoules 446 (or bladder assemblies) as shown in Fig. 16. Thus, the containers of adhesive material referred to in original claim 37 and as shown as 446 in original FIG. 15 are now specifically mentioned in paragraph [0099]. In view of the original disclosure of claim 37 and the figures, the plurality of containers 446 as shown in FIG. 16 do not constitute new matter.

In view of the foregoing, Applicants respectfully request acceptance of the drawings and withdrawal of the findings of new matter.

2. Objections to Figures 10-15 under 37 C.F.R. § 1.83(a)

The drawings were objected to for the alleged lack of the following features: camming surface as recited in claim 20, a plurality of containers as recited in claim 37, a plurality of removable applicator tips as recited in claim 38, at least two of the plurality of containers contain different amounts of adhesive material as recited in claim 43, at least two of the plurality of containers contain a different adhesive material as recited in claim 44. In order to expedite prosecution of the application, Applicants have provided these features in the claims as required.

The camming surface(s) are illustrated at 411 and the plurality of containers are shown as 446 in replacement FIG. 16. A plurality of removable applicator tips also are shown in FIG. 16. The embodiments illustrated are not intended to limit the invention as defined in the claims or described in the specification. As described in the specification, any suitable applicator tip may be used. *See, paragraph [0101].* At least two of the plurality of containers containing different amounts of adhesive material and at least two of the plurality of containers containing a different adhesive material are shown in replacement FIG. 16 by

way of a cut-away section of the containers. No new matter was added since the replacement figure finds support at least in the originally filed claims.

In view of replacement FIG. 16, Applicants respectfully request that the objections to the Figures be withdrawn.

SPECIFICATION

The specification was objected to as failing to provide proper antecedent basis for the claimed subject matter based on the second container as recited in claim 4. Paragraph [0096] was amended to clarify the antecedent basis for the claimed subject matter, as suggested by the Examiner. In view thereof, Applicants respectfully request that this objection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 112

Claim 20 was rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. Claims 20-21 were rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Applicants respectfully traverse these rejections.

Claims 20 and 21 apparently were rejected in view of the language "a camming surface arranged on the second body portion". However, this language is found both in originally filed claim 20 and in the specification at paragraph [0079]. In view thereof and as discussed during the interview, Applicants respectfully request that this rejection be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102/103

Claims 2-5, 20, 21, 22-24, 26-28 and 51-52 were rejected under 35 U.S.C. § 102(a)/102(e) as being anticipated by Hoang et al., U.S. Patent Publication 2002/0076255. Applicants respectfully traverse this rejection.

Claim 2 is directed to an applicator/dispenser assembly for dispensing and/or applying a polymerizable monomeric adhesive material. The assembly comprises a first body portion and a second body portion, at least one of the first and second body portions being rotatable relative to the other of the first and second body portions; a cavity in at least one of the first and second body portions; and a piercing or breaking member arranged on the first body portion. Rotation of one of the first and second body portions relative to the other of the first and second body portions moves the piercing or breaking member into the cavity to rupture a

container of adhesive disposed at least partially in the cavity. The piercing or breaking member comprises at least two opposing members such that both opposing members are moved into the cavity upon rotation of one of the first and second body portions relative to the other of the first and second body portions.

Independent claim 3 is directed to an applicator/dispenser assembly for dispensing and/or applying a polymerizable monomeric adhesive material, comprising a first body portion and a second body portion, at least one of the first and second body portions being rotatable relative to the other of the first and second body portions; an open space at least partially in and between the first and second body portions; and a piercing or breaking member arranged on the first body portion. Rotation of one of the first and second body portions relative to the other of the first and second body portions moves the piercing or breaking member into the open space at least partially in and between the first and second body portions. The applicator/dispenser further comprises a container of adhesive material at least partially disposed within the open space at least partially in and between the first and second body portions, wherein rotation of one of the first and second body portions relative to the other of the first and second body portions moves the piercing or breaking member to rupture the container.

Claim 20 is directed to an applicator/dispenser assembly for dispensing and/or applying a polymerizable monomeric adhesive material, comprising a first body portion and a second body portion, at least one of the first and second body portions being movable relative to the other of the first and second body portions; a cavity in at least one of the first and second body portions; and a piercing or breaking member arranged on the first body portion. Movement of one of the first and second body portions relative to the other of the first and second body portions moves the piercing or breaking member into the cavity, and the second body portion is rotatable relative to the first body portion. The applicator/dispenser further comprising a camming surface arranged on the second body portion wherein rotation of the second body portion relative to the first body portion moves the piercing or breaking member into the cavity to rupture a container of adhesive disposed at least partially in the cavity by contacting the camming surface and the piercing or breaking member.

Claim 22 recites an applicator/dispenser assembly for dispensing and/or applying a polymerizable monomeric adhesive material, comprising a first body portion and a second body portion, at least one of the first and second body portions being rotatable relative to the other of the first and second body portions; a cavity in at least one of the first and second

body portions; and a piercing or breaking member arranged on the first body portion. Rotation of one of the first and second body portions relative to the other of the first and second body portions moves the piercing or breaking member into the cavity. The applicator/dispenser further comprises a bladder disposed at least partially within the cavity, at least a portion of the bladder being flexible; and a container of adhesive material disposed within the bladder and at least partially located in the cavity, wherein rotation of one of the first and second body portions relative to the other of the first and second body portions moves the piercing or breaking member to rupture the container.

Hoang is directed to a skin disinfectant applicator. The applicator includes a generally hollow handle, a foam pad attached to the hollow handle, an ampoule that holds the anti-microbial prep solution and a means for opening the ampoule. *Paragraph [0008]*. The means for opening the ampoule can take many forms such as a lever located on the hollow handle, a portion of the hollow handle can be squeezed by the clinician to contact and break the ampoule or a movable button may be located on the hollow handle. *Paragraph [0008]*.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Hoang lacks at least a first and second body portion wherein at least one of the first and second body portions are rotatable relative to the other of the first and second body portions and rotation of one of the first and second body portions relative to the other of the first and second body portions moves a piercing or breaking member to rupture a container of adhesive. Thus, Hoang does not disclose each and every feature of the rejected claims. In view thereof, Hoang does not anticipate the invention as defined in the rejected claims and Applicants respectfully request that this rejection be withdrawn.

Claims 6-16 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoang et al. Applicants respectfully traverse this rejection.

Claims 6-8 are dependent on claim 3 and are directed to the adhesive material. Claims 9-16 require either that a portion of the applicator/dispenser is formed from a material that stabilizes the polymerizable monomeric adhesive material or an inner surface of a part of the applicator/dispenser is coated with or impregnated with a material that stabilizes a polymerizable monomeric adhesive material. Hoang et al. is completely lacking any disclosure or suggestion regarding such features. In view thereof, Hoang et al. could not have

made the rejected claims obvious, and Applicants respectfully request that this rejection be withdrawn.

Claims 37-44 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Hoang et al. in view of Voiers et al., U.S. Patent No. 6,425,704. Applicants respectfully traverse this rejection.

Claims 37-44 are directed to a kit. Hoang et al. is described above.

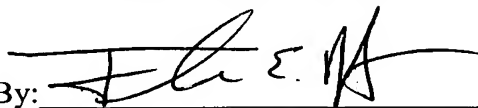
Voiers et al. relates to an applicator for dispensing adhesive material which includes a container body holding the adhesive material and an applicator tip. In certain embodiments, the applicator includes a container body, a container of adhesive material contained in the container body, a shaped body of porous material, wherein the adhesive material is located in the container body in a noncontacting relationship with the porous material prior to dispensing the adhesive material, at least one breaking means located on the porous material for breaking or rupturing the container of adhesive material, and an applicator tip. *Column 3, line 63 – column 4, line 5.*

Voiers et al. does not remedy the deficiencies of the disclosure of Hoang, as described above. Therefore, the combination of Hoang and Voiers et al. would not have made the kits as defined in the rejected claims obvious to one of ordinary skill in the art. In view thereof, Applicants respectfully request that this rejection be withdrawn.

For the foregoing reasons, claims 2-16, 20-28, 37-44 and 51-52 are considered allowable. A Notice to this effect is respectfully requested. If any questions remain, the Examiner is invited to contact the undersigned at the number given below.

Respectfully submitted,

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By: 

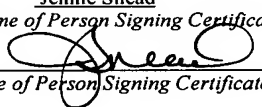
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Date of Signing: June 21, 2007